

1-1 By: Whitmire, et al. S.B. No. 1138  
1-2 (In the Senate - Filed February 28, 2017;  
1-3 February 28, 2017, read first time and referred to Committee on  
1-4 Criminal Justice; March 7, 2017, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; March 7, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Birdwell	X		
1-12	Burton	X		
1-13	Creighton	X		
1-14	Garcia	X		
1-15	Hughes	X		
1-16	Menéndez	X		
1-17	Perry	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1138 By: Whitmire

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the creation of the blue alert system to aid in the  
1-22 apprehension of an individual suspected of killing or causing  
1-23 serious bodily injury to a law enforcement officer.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 411, Government Code, is amended by  
1-26 adding Subchapter P to read as follows:

1-27 SUBCHAPTER P. BLUE ALERT SYSTEM

1-28 Sec. 411.441. DEFINITIONS. In this subchapter:

1-29 (1) "Alert system" means the statewide blue alert  
1-30 system that is developed and implemented under this subchapter.

1-31 (2) "Law enforcement agency" means a law enforcement  
1-32 agency with jurisdiction over the investigation of an alleged  
1-33 offense that resulted in the death or serious bodily injury of a law  
1-34 enforcement officer.

1-35 (3) "Law enforcement officer" means a person who is a  
1-36 peace officer under Article 2.12, Code of Criminal Procedure, or a  
1-37 person who is a federal law enforcement officer, as defined by 5  
1-38 U.S.C. Section 8331(20).

1-39 (4) "Serious bodily injury" has the meaning assigned  
1-40 by Section 1.07, Penal Code.

1-41 Sec. 411.442. BLUE ALERT SYSTEM. With the cooperation of  
1-42 the Texas Department of Transportation, the office of the governor,  
1-43 and other appropriate law enforcement agencies in this state, the  
1-44 department shall develop and implement a statewide blue alert  
1-45 system to be activated to aid in the apprehension of an individual  
1-46 suspected of killing or causing serious bodily injury to a law  
1-47 enforcement officer.

1-48 Sec. 411.443. ADMINISTRATION. (a) The director is the  
1-49 statewide coordinator of the alert system.

1-50 (b) The director shall adopt rules and issue directives as  
1-51 necessary to ensure proper implementation of the alert system. The  
1-52 rules and directives must include:

1-53 (1) the procedures to be used by a law enforcement  
1-54 agency to verify whether:

1-55 (A) an individual is suspected of killing or  
1-56 causing serious bodily injury to a law enforcement officer and is  
1-57 not yet apprehended; and

1-58 (B) the activation of the alert system would aid  
1-59 in the apprehension of that individual;

1-60 (2) a description of the circumstances under which a

2-1 law enforcement agency is required to report a missing suspect to  
 2-2 the department; and

2-3 (3) the procedures to be used by an individual or  
 2-4 entity to report information about a missing suspect to designated  
 2-5 media outlets in Texas.

2-6 (c) The director shall prescribe forms for use by law  
 2-7 enforcement agencies in requesting activation of the alert system.

2-8 Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The  
 2-9 department shall recruit public and commercial television and radio  
 2-10 broadcasters, private commercial entities, state or local  
 2-11 governmental entities, the public, and other appropriate persons to  
 2-12 assist in developing and implementing the alert system.

2-13 Sec. 411.445. STATE AGENCIES. (a) A state agency  
 2-14 participating in the alert system shall:

2-15 (1) cooperate with the department and assist in  
 2-16 developing and implementing the alert system; and

2-17 (2) establish a plan for providing relevant  
 2-18 information to its officers, investigators, or employees, as  
 2-19 appropriate, once the alert system has been activated.

2-20 (b) In addition to its duties as a state agency under  
 2-21 Subsection (a), the Texas Department of Transportation shall  
 2-22 establish a plan for providing relevant information to the public  
 2-23 through an existing system of dynamic message signs located across  
 2-24 the state.

2-25 Sec. 411.446. NOTIFICATION TO DEPARTMENT. (a) A law  
 2-26 enforcement agency that receives notice of an individual who is  
 2-27 suspected of killing or causing serious bodily injury to a law  
 2-28 enforcement officer and who has not yet been apprehended shall:

2-29 (1) confirm the accuracy of the information; and

2-30 (2) if the agency believes the missing suspect poses a  
 2-31 threat to other law enforcement officers and to the public, provide  
 2-32 notice to the department.

2-33 (b) A law enforcement agency providing notice to the  
 2-34 department under Subsection (a) shall include with that notice a  
 2-35 detailed description of the missing suspect and, if applicable, any  
 2-36 available portion of the license plate number of a motor vehicle  
 2-37 being used by the suspect.

2-38 Sec. 411.447. ACTIVATION OF BLUE ALERT SYSTEM. (a) When a  
 2-39 law enforcement agency notifies the department under Section  
 2-40 411.446, the department shall confirm the accuracy of the  
 2-41 information and, if confirmed, immediately issue an alert through  
 2-42 the alert system in accordance with department rules.

2-43 (b) In issuing the alert, the department shall send the  
 2-44 alert to designated media outlets in Texas. Following receipt of  
 2-45 the alert, participating radio stations and television stations and  
 2-46 other participating media outlets may issue the alert at designated  
 2-47 intervals to assist in locating the missing suspect.

2-48 (c) The department shall also send the alert to:

2-49 (1) any appropriate law enforcement agency;

2-50 (2) the Texas Department of Transportation; and

2-51 (3) a state agency described by Section 411.445.

2-52 Sec. 411.448. CONTENT OF ALERT. The alert must include:

2-53 (1) all appropriate information that is provided by  
 2-54 the law enforcement agency under Section 411.446 and that may lead  
 2-55 to the apprehension of the missing suspect; and

2-56 (2) a statement instructing any person with  
 2-57 information related to the missing suspect to contact a law  
 2-58 enforcement agency.

2-59 Sec. 411.449. TERMINATION OF ALERT SYSTEM. (a) The  
 2-60 director shall terminate any activation of the alert system with  
 2-61 respect to a particular missing suspect not later than the earlier  
 2-62 of the date on which:

2-63 (1) the missing suspect is apprehended;

2-64 (2) the department receives evidence that the missing  
 2-65 suspect has left this state; or

2-66 (3) the department determines that the alert system  
 2-67 will no longer aid in the apprehension of the missing suspect.

2-68 (b) A law enforcement agency that apprehends a missing  
 2-69 suspect who is the subject of an alert under this subchapter shall

3-1 notify the department as soon as possible that the missing suspect  
3-2 has been apprehended.

3-3 SECTION 2. This Act takes effect September 1, 2017.

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